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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/694,065	10/19/2000	John F. Acres	IGT1P283/AC015	8782

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EXAMINER

COBURN, CORBETT B

ART UNIT	PAPER NUMBER
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3714

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/02/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Notification of Non-Compliant Appeal Brief
(37 CFR 41.37)**

Application No.

09/694,065

Applicant(s)

ACRES, JOHN F.

Examiner

Corbett B. Coburn

Art Unit

3714

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 22 July 2004 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.

EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☐ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

See attached.

Corbett B. Coburn
Primary Examiner
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DETAILED ACTION

1. On 3 February 2003, Applicant submitted an Appeal Brief. This Brief was defective & Applicant was so notified on 19 May 2003. Applicant submitted another (defective) Appeal Brief on 23 June 2003. On 29 September 2003, Examiner reopened prosecution to correct a typographical error, but notified Applicant that the Brief was defective. On 3 December 2003, Applicant submitted another Brief. This too was defective. On 17 March 2004, the Examiner abandoned the case & explained why the 3 December Brief was defective. On 22 July 2004, Applicant submitted yet another Brief – the fourth submitted by the Applicant. This too is defective – for many of the same reasons outlined in the 17 March 2004 Office Action.
2. According to the petition decision of 2 August 2004, Applicant has 30 days in which to submit a Brief that is not defective. Presumably, this is Applicant's last chance to do so.
3. Examiner urges Applicant to simplify the Brief. Arguing the separate patentability of dependent claims is extremely difficult – arguing that the claim contains additional limitations is not enough to satisfy this requirement. Applicant must essentially explain why Examiner should have made a restriction requirement for the claim in question.
4. While Applicant may file the Brief under the old format, Examiner urges Applicant to file under the new format. The new format is designed to be easier for the Applicant. Please be advised, however, that whichever format the Applicant chooses, THE BRIEF MUST BE LETTER PERFECT. Applicant should review all previous correspondence for information on errors to be avoided.
5. Applicant has a 1-month shortened statutory period under 37 CFR 1.135(c) for correction of the errors in the Appeal Brief. EXTENSIONS OF THIS TIME PERIOD MAY BE

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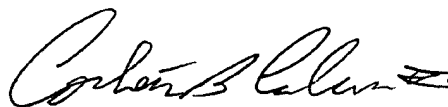
GRANTED UNDER 37 CFR 1.136(a). If Applicant fails to file a correct Brief, the Application will be abandoned.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corbett B. Coburn whose telephone number is (571) 272-4447. The examiner can normally be reached on 8-5:30, Monday-Friday, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



**CORBETT B. COBURN
PRIMARY EXAMINER**

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Primary Examiner
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